

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4096 of 2021

Arising Out of PS. Case No.-272 Year-2021 Thana- BHAGWAN BAZAR District- Saran

1. Mukul Pandey S/O Dhruv Pandey R/O Village- Chhota Brahmapur, P.S.- Bhagwannagar, District- Saran At Chapra
2. Banti Srivastava @ Anjay Kumar Verma S/o Awadhesh Kumar Verma R/o Mohalla- Gudri Bazar, P.S.- Bhagwan Bazaar, District- Saran at Chapra

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhishek Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 22-09-2022 Heard learned counsel for the appellants,

informant and learned Special P.P for the State.

The appellants have challenged the order dated 25.08.2021 passed by learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 272 of 2021 instituted for the offences punishable under Sections 420, 406, 467, 468, 471, 504, 34 of the Indian Penal Code and Section 3(1)(r)(s) of the SC & ST (Prevention of Atrocities) Act, whereby their prayer for being released on anticipatory bail has been rejected.

The prosecution case as per F.I.R is that the



accused persons including the appellants have cheated Rs. 21,50,000/- on the pretext of providing a piece of land and when the informant demanded his money back, the accused persons gave him a forged cheque signed by unknown persons and when the informant deposited in the bank then the bank returned the cheque and when the informant complained before the accused persons they abused the informant by calling caste name and gave threatening.

It is submitted by learned counsel for the appellants that appellants have falsely been implicated in this case. There is no specific role against the appellants and the informant has not given money to the appellants. The appellants have no concern with the accused persons with whom the money transaction was done by the informant. Moreover, a money suit has already been filed by the appellant in this respect. As per F.I.R, the occurrence did not take place in public view. Hence, the provisions under SC/ST Act would not be



applicable in the case of the appellants. A statement has been made in para 3 of the petition that appellants have no criminal antecedent.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 25.08.2021.

Accordingly, this appeal is allowed.

The appellants, above named, are directed to be released on bail in the event of their arrest or surrender within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 272 of 2021.

(Sunil Kumar Panwar, J)

Shageer/-

U		T	
---	--	---	--

